

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

CARL ANDREWS,

Defendant.

19 Cr. 131 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 18, 2020, defendant Carl Andrews filed a fourth renewed motion for bail pursuant to 18 U.S.C. § 3142(f) or, in the alternative, dismissal of the indictment. Dkt. 432 (“Def. Mem.”). On August 24, 2020, the Government filed an opposition. Dkt. 433 (“Gov’t Opp’n”).

Andrews’ renewed motion for bail is denied without prejudice. As an initial matter, it is unclear that the Court has jurisdiction to entertain such a motion, Andrews having appealed the Court’s most recent denial of pretrial release to the Second Circuit. *See* Dkt. 428. To the extent the Court does have jurisdiction, the motion is denied on the merits for the same reasons as Andrews’ second and third motions for bail. Andrews has not identified any changed circumstances which would alter the Court’s previous analysis under § 3142(f). The Court therefore adopts that analysis in full. *See* Dkts. 412, 425.

The Court also denies without prejudice Andrews’ motion to dismiss the indictment. In support of this motion, Andrews renews his concerns about his ability to effectively prepare for trial, and raises new concerns about the ability of the MCC to ensure the health and safety of counsel when legal visits for detained defendants resume. Andrews raises further concerns about

the ability of the Court to conduct a jury trial in a manner that not only minimizes the risk of a trial participant contracting COVID-19 but sufficiently assures jurors of the same, such that they are able to focus on the task at hand. *See generally* Def. Mem.

The Court wishes to again assure counsel that it takes these concerns very seriously. Under current circumstances, they do not, however, warrant the extreme remedy of a dismissal of the indictment.

The Court expects soon to be assigned a proposed trial date for this case. Promptly thereafter, the Court will convene a conference to discuss, *inter alia*, trial logistics. Central to these discussions will be the protection of Andrews' constitutional rights and the health of all trial participants. In the interim, the Court renews its offer to assist defense counsel in gaining access to their client, and ensuring that Andrews has access to discovery, to the extent such assistance is within the Court's power.

The Court accordingly denies Andrews' motion. The Clerk of Court is respectfully directed to terminate the motion pending at docket 432.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 31, 2020
New York, New York